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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,120	08/07/2003	Gerardo Orozco-Abundis	200206588-1	1561

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EXAMINER

GHATT, DAVE A

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

2A

Office Action Summary	Application N .	Applicant(s)	
	10/636,120	OROZCO-ABUNDIS, GERARDO	
	Examiner	Art Unit	
	Dave A Ghatt	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin et al. (US 5,812,285). Insofar as structure is recited, Lin et al. teaches the claimed invention. Figures 2 and 3 of Lee et al. teach an image capture device, comprising a housing 2, and at least one telescopic hinge 5 operable to couple a lid 1 to the housing 2. The applicant should note that the structure of the elements 4, 5, 6, and 7, allow for hinged rotation of the cover. See also column 2 line 50. The applicant should note that with respect to the requirement for a telescopic hinge, Lin et al. teaches hinge element 4 that slides inward or outward in an overlapping manner with the member generally shown at 6, as the cylindrical sections of a small hand telescope do. This is all that is required to meet this particular claim limitation.

With respect to claim 2, column 2 lines 29-31 of Lin et al. teaches the at least one telescopic hinge 5 releasably coupling the lid 1 to the housing 2.

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With respect to claim 3, Figure 3 shows at least one slot 6 in the housing 2, the at least one slot 6 operable to engage with at least a portion of said at least one telescopic hinge 5 to prevent inadvertent decoupling of said at least one telescopic hinge from said housing. See column 2 lines 39-44.

With respect to claim 4, Figure 3 of Lee et al. illustrates the housing having at least one recess 6 corresponding to the at least one telescopic hinge.

With respect to claim 5, Figure 3 of Lee et al. illustrates the housing having a plurality of recesses 6, with each telescopic hinge 5 being inserted into a corresponding recess 6 to couple said lid 1 with the housing 2.

With respect to claims 6 and 8, the at least one telescopic hinge 5 of Lee et al. can be categorized as having an infinite number of segments, thereby meeting the requirement to be comprised of a plurality of segments. Furthermore, as illustrated in Figure 4b, the hinge 5, comprising the plurality of segments, is disposed in the recess 6 in the housing 2.

3. Claims 1-9, 11, and 13-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Wakeman (US 4,150,896). Insofar as structure is recited, Wakeman teaches the claimed invention. Figures 5 and 6 of Wakeman teach an image capture device 23, comprising a housing 21, and at least one telescopic hinge 35 operable to couple a lid 36 to the housing 21. The applicant should note that with respect to the requirement for a telescopic hinge Wakeman teaches cylindrical hinge element 31 that slides inward or outward in an overlapping manner with the second cylindrical member (see marked-up Figure below), as the cylindrical sections of a small hand telescope do. This is all that is required to meet this particular claim limitation.

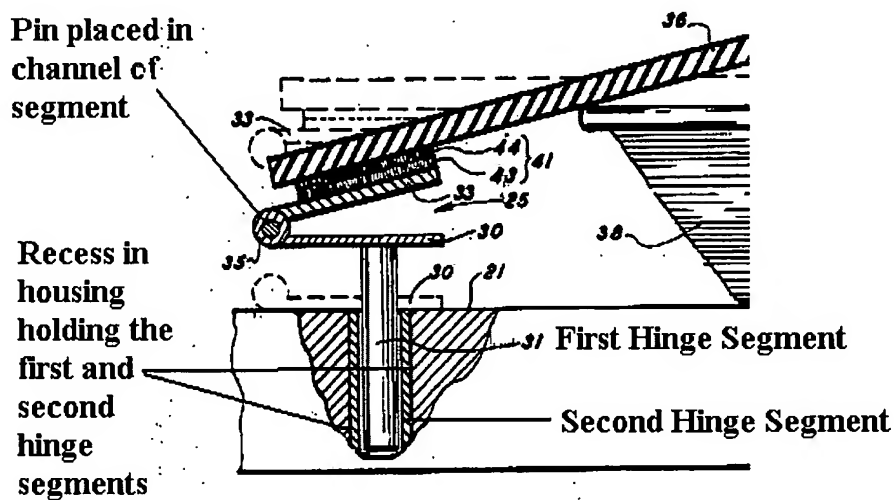
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With respect to claim 2, the apparatus of Wakeman, the hook and loop arrangement 41, illustrated in Figure 6 provides a releasable coupling of the lid 36 to the housing 21.

With respect to claim 3, Figure 6 shows at least one slot (recess) 32 in the housing 21, the at least one slot 32 operable to engage with at least a portion (First Hinge Segment) of said at least one telescopic hinge 35 to prevent inadvertent decoupling of said at least one telescopic hinge 35 from said housing 21. (See the Examiner's Marked-up Figure Below)

With respect to claim 4, Figure 6 of Wakeman illustrates the housing having at least one recess corresponding to the at least one telescopic hinge 35. (See Figure Below.)

Examiner's Marked Up Version of Figure 6



With respect to claims 4 and 5, Figure 5 of Wakeman illustrates the housing having a plurality of recesses, with each telescopic hinge 35 being inserted into a corresponding recess 32 to couple said lid 36 with the housing 21. The recess is also illustrated in the Examiner's Marked-up version of Figure 6.

With respect to claims 6 and 8, the at least one telescopic hinge 35 of Lee et al., the Examiner's Marked-up version of Figure 6 shows a first and second hinge segments. Figure 6 shows at least one hinge segment disposed in the recess in the housing 21.

With respect to claim 7 and 9, as illustrated by the dotted lines in Figure 6, the first and second hinge segments are slidably engaged with each other.

With respect to claims 11 and 17, Figure 5 of Wakeman shows two telescopic hinges, each having a plurality of segments (a first segment and a second segment, illustrated above), the two hinges pivotally coupling the lid 36 to the housing 21.

With respect to claims 13 and 14, Figure 6 of Wakeman teaches the first segment comprising a ledge 30 near an end of the first segment, the ledge surrounding an opening (recess) at the end. See the Examiner's Marked-up copy of Figure 6.

With respect to claims 15 and 16, the top outer portion of the second hinge segment, as shown in Figure 6, constitutes a latching member because that top outer portion engages the ledge 30 (broken line illustration in Figure 6) to restrict motion. The top outer portion surrounds an end of the second segment.

With respect to claim 18, the Examiner's Marked-up version of Figure 6 shows a segment, generally shown at 33, comprising a channel operable to accept a pin to pivotally couple the lid to the hinge.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakeman (US 4,150,896) in view of Moore et al. (US 3,832,937). With respect to claim 10, as outlined in the above rejection to claims 1-9, 11, and 13-18, Wakeman teaches all the claimed subject matter except for a third segment in the telescopic hinge. Moore et al. teaches a telescopic device similar to that taught by Wakeman. As illustrated in Figure 3, Moore teaches a third segment slidably engaged with another segment. To one of ordinary skill in the art, it would have been obvious to provide a third segment as taught by Moore et al., in the apparatus of Wakeman, in order to increase the expansion capabilities of the telescopic hinge.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakeman (US 4,150,896) in view of Duescher (US 6,607,157). As outlined in the above rejection to claims 1-9, 11, and 13-18, Wakeman teaches all the claimed subject matter except for a first segment comprising a latching member operable to engage with a slot in the housing. Duescher teaches a telescopic arrangement similar to Wakeman. Figure 1A of Duescher illustrates a telescopic segment 100 within a housing 118. The segment includes a latching member 116 operable to engage with a slot (generally illustrated at 110). To one of ordinary skill in the art, it would have

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been obvious to use the slot arrangement of Duescher in the apparatus of Wakeman, in order to provide support and to allow for limited motion of the first segment.

Response to Arguments

7. Applicant's arguments filed November 15, 2004 have been fully considered but they are not persuasive. In the filed response, the applicant argues that the references to Lee et al. and Wakeman do not meet the limitations for a telescopic hinge. The examiner respectfully disagrees. As stated in the rejections statements, insofar as structure is recited, both Lee et al. and Wakeman teach the claimed invention. Both cited references teach hinge elements that slide inward or outward in an overlapping manner with a second member, in a similar manner as the cylindrical sections of a small hand telescope do.

In view of the applicant's comments on page 5 of the filed response, the objections to the claims have been withdrawn.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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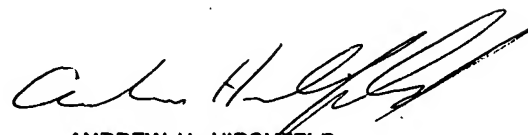
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG



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